THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18525 of 2005

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DATED:23-08-2005

Arunachala Saikrishna & another.

..... PETITIONERS

AND

Sri Satya Sai Urban Development Authority,

rep., by its Vice Chairman,

Puttaparthi, Ananthapur District.

.....RESPONDENT

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ORDER:

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This Writ Petition is filed under Article 226 of the Constitution of India seeking a Mandamus directing the respondent to act in accordance with law and not to interrupt the construction work of the petitioners of the residential complex as per the sanctioned plan, dated 02-02-2004, except by following the provisions of A.P.Urban Areas Development Act, 1975 (for brevity, "the Act").

2. It is the case of the petitioners that they own small pieces of lands in Sy.No.288-2B of Puttaparthi Revenue village admeasuring 13 cents having purchased under different registered sale deeds, dated 04-10-2004, 08-12-2004 and 01-01-2004. After obtaining permission from the respondent in BA.No.40-04, dated 02-02-2004, the 1st petitioner started construction of a residential complex. While so, the 1st petitioner received a notice, dated 15-08-2005, through the local police, written by the respondent, stating that some deviations and encroachments are found in the building and hence he has to stop the work until further orders. Aggrieved thereby, the petitioners approached this Court by way of filing the present Writ Petition.

3. Heard both sides.

4. I have perused the entire material on record.

5. It is submitted by the learned standing Counsel-cum-Government Pleader that subsequent to the issuance of the order impugned, dated 15-08-2005, a show cause notice was issued under Section 42 of the Act to the petitioners directing them to submit their explanation as to why they started construction without obtaining any permission from the authority, within a period of one week. But, no such explanation was submitted by the petitioners so far.

6. Considering the facts and circumstances of the case and in view of the decision reported in **MANGA MADHAVILATHA v. RAJAHMUNDRY MUNICIPALITY**, the show cause notice issued by the respondent, dated 16-08-2005, and the order impugned, dated
15-08-2005, are set aside.

7. Accordingly, the Writ Petition is allowed. No order as to costs.

(ELIPE DHARMA RAO,J)

25th August, 2005.

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